

Application No. 10/595,215

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Applicant: Dieter Doehring
Serial No: 10/595,215
Filing Date: March 24, 2006
Title: **DECORATIVE PAPER WITH SPRINKLED CORUNDUM
COATED WITH AN ADHESIVE**
Examiner: Brent T. O'Hern
Art Unit: 1783
Docket No. BARDP0126US
Confirmation No: 4813

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal, and the review is requested for the reasons stated on the attached sheets.

In the event any fee or additional fee is due in connection with the filing of this paper, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (under the above Docket Number).

Respectfully submitted,

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ADDENDUM TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

The Examiner has maintained the rejection of claims 2, 4, 10-11 and 17-20 under 35 U.S.C. §103(a) as being unpatentable over Döhring (WO 00/44984) published August 3, 2000 with evidence by Döhring (US 6,835,421), in view of O'Dell et al. (US 5,545,476) and Shirono et al. (WO 01/21529) with Shirono et al. (US 6,994,834) interpreted as being the English equivalent of ('529). The Examiner has also maintained the rejection of claims 2-4, 8-11 and 17-20 under 35 U.S.C. §103(a) as being unpatentable over Döhring et al. (US 2003/0138600) in view of O'Dell et al. and Shirono et al. The Examiner has further maintained the rejection of claims 8-9 under 35 U.S.C. §103(a) as being unpatentable over Döhring (WO 00/44984) in view of O'Dell et al. and Shirono et al. and Jaisle et al. (US 4,473,613).

The Examiner has cited Shirano et al. for the teaching of an amino-silane adhesion promoter for modifying silica powder for the purpose of “*significantly increasing the adsorption amount of the anion source*”. The Examiner contends that the skilled person would have been prompted to use the teaching of Shirano et al. in combination with the teaching of Döhring ('984) and of O'Dell et al. to arrive at the subject matter of pending claim 19.

Applicant respectfully disagrees with the Examiner's contention. Shirano et al. is directed to a surface modified fine silica powder used to produce an ink receptive layer. According to Shirano et al., the surface modified silica powder adsorbs an “anion source compound”, wherein the “anion source compound” may be “the sulfonate or the carboxylate”, preferably “sodium benzenesulfonate” (column 3, lines 4-10 of Shirano et al.). Due to the surface treatment, the adsorption amount of these “sulfonates or carboxylates” is increased compared to the original non-treated powder. The aim of Shirano et al. is that by this surface treatment, the silica powder is suitable as a material for improving an “ink acceptor layer” to improve printing materials for ink jet printing processes. As a result, the teachings of Shirano et al. are from a completely different technical field and it is not apparent why the skilled person should refer to this document when trying to improve the teaching of, for example Döhring or O'Dell et al., which deal with the improvement of laminate panels. The advantages mentioned in Shirano et al.

with regard to the "increased adsorption amount" have nothing whatsoever to do with the technology of the present invention.

By coating the abrasion-resistant particles with an adhesion promoter in accordance with the present invention, the thus treated particles integrate better in the resin matrix leading to optically and mechanically improved surfaces. This concept is not mentioned nor described in the other prior art documents of Döhring and O'Dell, and one of ordinary skill could not have predicted these results. The Döhring citation teaches to add abrasion-resistant particles to a special dispersion containing different kinds of materials of which a silane adhesion promoter is only a minor compound in the range of 0.5 to 2.5%. Döhring does not teach to coat any abrasion-resistant particles prior to adding the same to a dispersion containing amino resin, but merely teaches to use a dispersion consisting essentially of an amino resin and further additional means for the manufacturing of a laminated panel.

Similar to the Döhring reference, O'Dell et al. teaches to prepare a special dispersion containing so called pre-cured resin particles, water, binder material and abrasion-resistant particles. The abrasion-resistant particles of O'Dell et al. are not coated with a silane adhesion promoter as allegedly disclosed in column 6, lines 42-48, since in this passage it is only suggested to add the abrasion-resistant particles to a dispersion or "slurry" comprising a large amount of liquid melamine resin and pre-cured melamine resin particles. O'Dell et al. does not teach to coat any abrasion-resistant particles prior to adding the same to a dispersion containing amino resin.

Neither does the teaching of Shirono et al. provide any hint or information for the skilled person to do so, since Shirono et al. only teaches to surface modify a silica powder to increase the adsorption amount of the anion source compared to non-treated powder in order to provide an improved "printing material for an ink jet printing" as mentioned above. A combination of the teachings of Döhring, O'Dell and Shirono et al. can therefore not lead to the subject-matter recited in the present claims.